

Appl. No. : **10/658,836**
Filed : **August 21, 2003**

REMARKS

Claim 29 has been amended to recite “authorization agent” in the preamble (rather than “authorization device”) to match the recitation in the body of Claim 29. Claim 112 has been amended to remove a typographical error in the prior amendment that left the term “an operating system” disembodied at the end of the claim. Claim 152 has been amended to grammatically recite “an” rather than “a” where appropriate. Claims 29-32, 35-43, 49, 56-58, 60-72, 93, 94, 96, 100-101, 103-106, 112, 113, 115, 117, 119-124, 131, 136, 144, 145, 151, 152, 155, 157, 161, 165, 166, and 167 remain pending and are presented for further examination

Rejection of Claims 29-165 under 35 U.S.C. § 112, First Paragraph.

In paragraph 4 of the Office Action, the Examiner rejected the pending claims under 35 U.S.C. § 112 as failing to comply with the written description requirement. In particular, the Examiner indicated that “[n]owhere in the specification or the drawings is support for “sending a message to the first gaming device wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device wherein the first gaming device and the second gaming device are separate from the authorization agent.” *Office Action* at 2-3.

The Federal Circuit has explained that “[i]n order to satisfy the written description requirement, the disclosure as originally filed need not provide *in haec verba* support for the claimed subject matter at issue. *See Fujikawa v. Wattanasin*, 93 F.3d 1559, 1570 (Fed. Cir. 1996). The requirement is met if ‘the disclosure of the application relied upon reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter.’ *Ralston Purina Co. v. Far-Mar-Co, Inc.*, 772 F.2d 1570, 1575 (Fed. Cir. 1985) (internal quotations omitted).” *Lampi Corp. v. Am. Power Prods.*, 228 F.3d 1365, 1378 (Fed. Cir. 2000).

The specification illustrates one embodiment:

To play the gaming machine 1120, the remote computer 1150 makes a request to the gaming server 1110 to gain access to gaming machine 1120. The request made by the remote computer 1150 can include entering identification information that uniquely identifies the remote player of the remote computer 1150. The identification information can comprise a password, credit card information, etc.

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The gaming server 1110 compares the identification information with a database. The database can include a listing of all passwords, a credit check of the credit card information or casino-specific credit information. If the identification information matches one of the entries in the database, the remote computer 1150 is given access to the gaming machine 1120 through switch 1420.

Specification, paragraphs [0143]-[0145].

Paragraph [0149] of the specification further recites that “[i]n addition, the communication between the remote computer 1150 [e.g., ‘the second gaming device’] and the gaming machine 1120 [e.g., ‘the first gaming device’] can be encrypted using symmetric or asymmetric keys as described herein above.” This cited “above” portions include paragraph [0118], which recites:

In this embodiment, the gaming server 1110 transmits the key 1160 to gaming machine 1120. The gaming machine 1120 encrypts information using the key 1160 and transmits the encrypted information over the network bus 1130... [T]he encrypted information is transmitted to the outside network 1140 and, ultimately, to the remote computer 1150.

Specification, paragraph [0018].

Based on the above, one of skill in the art would recognize that “sending a message to the first gaming device” includes sending an encryption key to the gaming machine. Further, by providing the gaming machine with an encryption key for communicating with the remote machine 1120, “the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device.” Finally, as is clear from the above portions of the specification, “the first gaming device and the second gaming device are separate from the authorization agent,” e.g., the gaming server. Accordingly, Applicant submits that the specification supports “sending a message to the first gaming device wherein the message includes information authorizing the first gaming device to transfer the gaming information to the second gaming device wherein the first gaming device and the second gaming device are separate from the authorization agent” as required under 35 U.S.C. § 112.

In paragraph 5 of the Office Action, the Examiner indicated that “[p]ending the applicant’s response to remedy the 112 1st rejection above, the claims will become allowable.” Because, the specification does support the pending claims under 35 U.S.C. § 112, Applicant submits that the pending claims are allowable.

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Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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